

to the defendants on the grounds that the defendants have asked to observe and examine such aids and/or mock-ups and have been denied permission to view the same prior to trial.¹ By not providing such demonstrative aids or mock-ups prior to trial, the defendants are prejudiced especially where the defendants specifically requested to view the same and where the defendants had offered the plaintiffs multiple opportunities to view the defendants' mock-up, an offer never accepted by the plaintiffs.

WHEREFORE, the defendants respectfully request that this Court enter an order *in limine* precluding the plaintiffs from using and/or introducing the demonstrative aid(s) or mock-up(s) created by Mr. Donald E. Sommer, his staff or his associates.

RAYTHEON DEFENDANTS,
By Counsel,

/s/ Peter C. Knight

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 26, 2007.

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¹ At the deposition of Mr. Sommer, he noted that he and his staff had created two mock-ups. One mock-up showing the trim drum, cables and turnbuckles that allegedly represent such cable arrangement as found in Figure 201 and a second mock-up which is allegedly a cockpit of a Beech 1900D showing the center console, trim wheel and power quadrant. See Sommer deposition pp. 12-16.

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